

REMARKS

Claims 26-41 are pending in the present Application. Claims 26, 27, and 39 have been amended, Claim 42 has been added, leaving Claims 26-42 for further consideration upon entry of the present Amendment.

Support for the amendment to Claims 26-27 can at least be found in the specification at page 10, line 21-24 and line 29-30 of the English version of the patent application publication.

Support for the amendment to Claim 39 and new Claim 42 can at least be found in the specification at page 2, line 33-34 and page 10, line 16, line 21-24, and line 29-30 of the English version of the patent application publication.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejection Under 35 U.S.C. § 112, second paragraph

Claims 39-41 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, claim 39 is rejected as being "indefinite in that it is a device claim, however it is dependent on a process claim (one of claims 26-38). The claim is not in accordance with standard US practice in that it appears to be drawn to more than one statutory class of invention, that is, both a method and an apparatus. The claim is indefinite since it appears be claiming both a method and an apparatus."

Applicants have amended Claim 39 such that it is an independent claim directed to a device for hydroentangling a fibrous web. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejection Under 35 U.S.C. § 102(b)

Claims 26-36 and 39-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sternlieb et al (US 2003/0101558, hereinafter "Sternlieb").

This rejection is moot as Applicants have amended the claims to more clearly define their

claimed invention.

Independent Claim 26 and 27 are directed to a process of hydroentangling a fibrous web comprising, *inter alia*, the following claimed elements: “the streams having a cylindrical form... streams of a first constant cross-section and streams of a second constant cross-section different from the first cross-section”

Independent Claim 39 is directed to a non-moving device for hydroentangling a fibrous web comprising, *inter alia*, the following claimed elements: “perforations to provide a plurality of streams of water, said perforations being made in a strip positioned opposite a water distribution line, the strip being interchangeable, wherein the perforations are in a single strip and have different constant cross-sections”

Sternlieb describes a method in which the orifices of the strip can be of a first type (orifice 42 of figures 8 and 9) or a second type (orifices 43 and 44, figures 8 and 10). In contrast to Applicants' claimed invention, the orifices 43 and 44 of Sternlieb do not have a constant cross-section, and the streams of water produced by these orifices do not have a cylindrical form. For at least these reasons, at least one claimed element of Claims 26 and 27 are not taught by Sternlieb. Similarly with regards to Claim 39, since the Sternlieb do not have a constant cross-section, Sternlieb fails to teach at least one claimed element.

Since Sternlieb fails to teach at least one claimed element of independent Claims 26, 27 and 39, Sternlieb does not anticipate Applicants claimed invention. As such, independent Claims 26 and 27 are allowable over Sternlieb. Moreover, as dependent claims from an allowable independent claim, Claims 28-38 and 40-41 are, by definition, also allowable.

Claims 39-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coote (US 2002/0092931).

This rejection is moot as Applicants have amended the claims to more clearly define their Claimed invention.

Coote is directed to an oscillating spray tube used for spraying water on lawns. More particularly, Coote is directed to solving the problem of the “puddling” effect, which occurs when the spray tube comes to a stop and thus creates an undesirable concentration.

Applicants claimed invention is directed a non-moving device for hydroentangling a

fibrous web. Absent in Coote is any discussion related to a non-moving device for hydroentangling a fibrous web. Moreover, absent in Coote is any teaching that the perforations of the tube have different constant cross sections or teaching to an interchangeable strip. For at least these reasons, at least one claimed element is not taught by Coote. As such, independent Claim 39 is not anticipated and is allowable over Coote. Moreover, as dependent claims from an allowable independent claim, Claims 40-41 are, by definition, also allowable.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sternlieb et al (US 2003/0101558) in view of Sternlieb (US 5737813, hereinafter "Sternlieb '831").

This rejection is moot as Applicants have amended the claims to more clearly define their claimed invention.

Claims 37 and 38 are allowable for at least the reason that they depend from an allowable independent Claim.

Sternlieb describes a method in which the orifices of the strip can be of a first type (orifice 42 of figures 8 and 9) or a second type (orifices 43 and 44, figures 8 and 10). In contrast to Applicants' claimed invention, the orifices 43 and 44 of Sternlieb do not have a constant cross-section, and the streams of water produced by these orifices do not have a cylindrical form. For at least these reasons, at least one claimed element of independent Claims 26 is not taught or suggested by Sternlieb. Further, Sternlieb '831 fails to cure the deficiencies of Sternlieb.

Since Sternlieb, either alone or in combination with Sternlieb '831, fails to teach or suggest at least one claimed element of independent Claim 26, Sternlieb does not anticipate Applicants claimed invention. As such, independent Claims 26 is allowable over Sternlieb. Moreover, as dependent claims from an allowable independent claim, Claims 37-38 are, by definition, also allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with the undersigned would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fees be charged to Deposit Account No. 10-0235.

Respectfully submitted,

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